

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

filed 5/2

In re Application of:)
Jonnie R. WILLIAMS)
Serial No.: 09/668,144)
Filed: September 25, 2000)
For: METHOD OF TREATING TOBACCO)
TO REDUCE NITROSAMINE CONTENT AND)
PRODUCTS THEREBY)

)
Examiner: Colaianni, M.
Group: 1731
Atty. Dkt. No. 04859.00006

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT 37 C.F.R § 1.97(d)

The Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Match and Return

Sir:

Pursuant to his duty of good faith and candor set forth in 37 C.F.R. §§ 1.56, 1.97, 1.98 *et seq.*, Applicant submits herewith the attached form PTO-1449. Applicant respectfully requests that the Examiner consider the documents listed therein in connection with the examination of the subject application. One copy of each document is attached hereto pursuant to 37 C.F.R. § 1.98(a)(2), with the exception of Greek Patent No. 86.2434, of which Applicant presently does not possess a copy. The undersigned is attempting to obtain a copy of this document and will furnish a copy to the Examiner as soon as it is received.

The undersigned certifies pursuant to 37 C.F.R. §1.97(e)(2) that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Statement.

Please charge \$ 180 for the information disclosure statement processing fee (37 C.F.R. § 1.97(d)(2)) to our Deposit Account 19-0733. If this amount is incorrect, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 as appropriate.

Discussion

U.S. Patent 6,202,649, which issued from parent application Serial No. 09/397,018, is involved in a litigation styled *Star Scientific, Inc. v. R.J. Reynolds Tobacco Company*, Civil Action No. 01-AW-1504, pending in the United States District Court for the District of Maryland. Documents AA-AF and AH listed on the attached form PTO-1449 were identified in defendant R.J. Reynolds Tobacco Company's response to plaintiff Star Scientific's first set of interrogatories ("Response"). A copy of the Response in its entirety is included in this submission and listed as document AI on the attached form PTO-1449. Documents AA-AF and AH were identified by R.J. Reynolds among a multitude of documents and activities asserted to invalidate the claims of the '649 patent (see response to Interrogatory 15, pages 17-19). Document AG on the attached form PTO-1449 was identified by Examiner Colaianni in co-pending application Serial No. 09/559,876 in an Office Action dated January 31, 2001.

Although Applicant respectfully disagrees with R.J. Reynolds' characterization of the documents and believes that the documents are merely cumulative to art already of record, Applicant respectfully requests that the Examiner consider the Response in connection with consideration of the other documents contained herein.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: February 15, 2002

By: 
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